## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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This is a combined staff report for related items. This report contains a single background section for all items. However, there are separate analysis and conditions provided for each individual application.

P.A.S.: Special Permit #1990 DATE: September 30, 2002

Waiver of Design Standard #02021

**SCHEDULED PLANNING COMMISSION MEETING:** October 16, 2002

**PROPOSAL:** An early childhood care facility for up to 214 children.

**WAIVER REQUESTS:** 1. Requirement for access to an arterial street.

2. Locate sign in the front yard.

3. Lot lines perpendicular or radial to streets.

**LAND AREA:** Approximately 1.49 acres.

**CONCLUSION:** With minor modifications to the site plan, this proposal generally

complies with the Zoning Ordinance and is an appropriate use of land

at this location.

RECOMMENDATION:	Special Permit #1990	Approval
	Waiver to Sign in Front Yard	Denial
	Waiver to Access on Arterial Street	Approval
	Waiver to Design Standard #02021	Approval

## **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** See attached legal description.

**LOCATION:** Northeast of the intersection of South 91<sup>st</sup> Street and Heritage Lakes Drive.

**APPLICANT:** Gary Kort

5950 Vandervoort Drive Lincoln, NE 68516 (402)421-3333

**OWNER:** Andermatt, L.L.C.

**CONTACT:** Stephen Clymer

Olsson Associates 1111 Lincoln Mall Lincoln, NE 68508 (402) 458-5987

**EXISTING ZONING:** R-3 Residential

**EXISTING LAND USE:** Vacant

## SURROUNDING LAND USE AND ZONING:

North: Vacant R-3
South: Vacant (Proposed Nebraska Heart Hospital) R-3
East: Vacant R-3
West: Vacant R-3

**ASSOCIATED APPLICATIONS:** AFP#02062 Heritage Lakes Early Childhood Development Addition - An administrative final plat to create a 1.49 acre lot for the proposed day care center currently under review.

## **COMPREHENSIVE PLAN SPECIFICATIONS:**

**Page F18 Residential Neighborhoods** - Fourth paragraph - Child care centers should be located within neighborhoods and near schools and parks when possible.

**Page F25 Future Land Use Plan -** The Future Land Use Plan designates this area for future urban residential uses.

**Page F42 Business and Commerce** - Second paragraph - Buildings and land uses at the edge of the center should be compatible with adjacent residential uses. Examples of compatible land uses include office and child care centers.

**Page F145 Guiding Principles** - Fourth paragraph - Child care centers should be located within neighborhoods and near schools and parks when possible.

**UTILITIES:** Water - There is a 6" water main in Heritage Lakes Drive that can be tapped to serve this site.

Sewer - There is a 15" sewer line in a 30' sewer easement adjacent to this site. This line can only be tapped by a manhole connection and must be shown on the plans submitted.

**TRAFFIC ANALYSIS:** Heritage Lakes Drive has a 66' wide right-of-way, with a 33' wide improved surface. This is the standard for a local street in a commercial, business, or industrial district, and is wider than the 26' pavement width required of a local residential street. Additionally, there are no single-family homes fronting the street on the south justifying the increase in the number of children.

**PUBLIC SERVICE:** Fire and Police protection will be provided by the City of Lincoln.

**AESTHETIC CONSIDERATIONS:** The facility must be designed in a manner that visually accommodates one of the allowed alternate uses in the R-3 district should the day care cease to operate.

**ALTERNATIVE USES:** As with all child care centers caring for 31 or more children, the City of Lincoln Design Standards require that the facility be designed to accommodate conversion to an alternate use that is allowed by right in the district. In this case, the plans show the facility designed to be converted to a seven-unit apartment building should the day care cease to operate. Apartments are not allowed by right in the R-3 district, and the plan will need to be modified to show conversion to a use that is allowed by right.

## **ANALYSIS:**

## Special Permit #1990

- The facility shown on the plan is proposed to be built in two phases. The first phase will accommodate up to 134 children and 17 full-time staff members all on the first floor. Phase II will accommodate an additional 80 children (for a total of 214) and two additional staff people. The number of parking spaces and the size of the drop-off zone exceed the amount required by the Zoning Ordinance to accommodate employees and parents. However, the site plan must be revised to include a schedule containing the details of the expansion and the number of parking spaces per phase to ensure required off-street parking is being provided for each phase and full build-out.
- 2. A waiver to Design Standard Chapter 3.90 (1.3) for facilities with 31 or more children that states "The applicant's lot must have frontage on an arterial street" has been requested. This design standard was adopted to help ensure that a larger day care center, many of which generate traffic volumes similar to commercial uses, could not locate in residential neighborhood. At this location, Heritage Lakes Drive will be 33'

wide when completed - the width for a local street in a commercial, office or industrial district. Additionally, the Nebraska Heart Hospital has been approved to be built south across the street. Given the location of this facility, the planned street layout and the developing land use pattern in this area, it is appropriate to grant this waiver.

- 3. A waiver to allow the sign in the front yard has also been requested. Lincoln Municipal Code (LMC) Section 27.69.160 allows a sign up to 20 square feet in area in a residential district for special permitted uses such as this one, provided it is not located in a required yard. This waiver cannot be granted as there is no provision that allows the City Council to waive the front yard restriction.
- 4. The Design Standards for early childhood care facilities require that a conversion plan be submitted as part of the application. The intent is to ensure the facility can be converted to a use that is appropriate for the zoning district in which it is located in the event the day care ceases to operate. The alternate use shown in the conversion plan must be a use that is allowed by right in the district. In this case, the plan shows conversion to a seven-unit apartment building. Apartments are not allowed by right, but are only allowed as part of a community unit plan approved by special permit. The plan must be revised to show conversion to one of the uses allowed by right in the R-3 district per LMC Chapter 27.15.
- 5. The Design Standards require that outdoor play areas be screened. This can be accomplished by either a 6' high opaque fence, or by plants that create a 6' high, 100% screen surrounding the play area. The plan shows a fence around the play area but does not indicate height or opacity, and the plants shown do not grow to a mature height of 6'. The landscape plan must be revised to show either the required fence or landscape screen.
- 6. Sanitary sewer service is presumably provided by the 15" line east of the facility. This line can only be tapped by a manhole connection, and the method by which this is to be accomplished must be shown on the plan.
- 7. Erosion control protection must be provided at the outlet of culverts and pipes, and must be provided at a sufficient size and quantity to withstand the velocities of the system. Erosion control to prevent channel bank erosion due to overland flow from Area A2 must also be provided, along with calculations demonstrating that the existing storm sewer system along Heritage Lakes Drive has sufficient capacity to accept additional flow from Areas A3 and A4.
- 8. The Lincoln Electric System (LES) review noted that a 10' utility easement along all property lines is needed to ensure delivery of utility service.

## Waiver to Design Standard #02021

1. A waiver to the Subdivision Ordinance design standard that requires lot lines to be perpendicular to streets has also been requested. The rationale for the request is that the proposed lot for this facility is located next to a delineated wetland, and the east lot line is drawn to partially accommodate that fact. Additionally, this site is located at the apex of the curve on Heritage Lakes Drive. Given the site constraints and street layout, this waiver is appropriate.

## **CONDITIONS:**

## Special Permit #1990

## Site Specific:

- 1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
  - 1.1 Revise the site plan to show:
    - 1.1.1 A phasing schedule for development of the center showing floor area and parking space calculations.
    - 1.1.2 The sign envelope moved to a location that complies with the requirements of the Zoning Ordinance and that is acceptable to Public Works.
    - 1.1.3 Sanitary sewer connection.
    - 1.1.4 A 10' wide utility easement along all property lines of the site.
  - 1.2 Revise the conversion plan to show conversion to a use allowed by right in the R-3 zoning district.
  - 1.3 Revise the landscape plan to show at a minimum either a 6' high, 100% opaque fence, or landscaping that provides a 6' high, 100% opaque screen around the play area.
  - 1.4 Provide erosion control measures and demonstrated storm sewer capacity approved by Public Works.

2. This approval permits an early childhood care facility for up to 214 children with a waiver to required access to an arterial street.

## General:

- 3. Before receiving building permits:
  - 3.1 The permittee shall have submitted a revised final plan including 5 copies and the plans are acceptable.
  - 3.2 The construction plans shall comply with the approved plans.
  - 3.3 The operation and the premises are to meet appropriate local and state licensing requirements, including compliance with health codes.

## Standard:

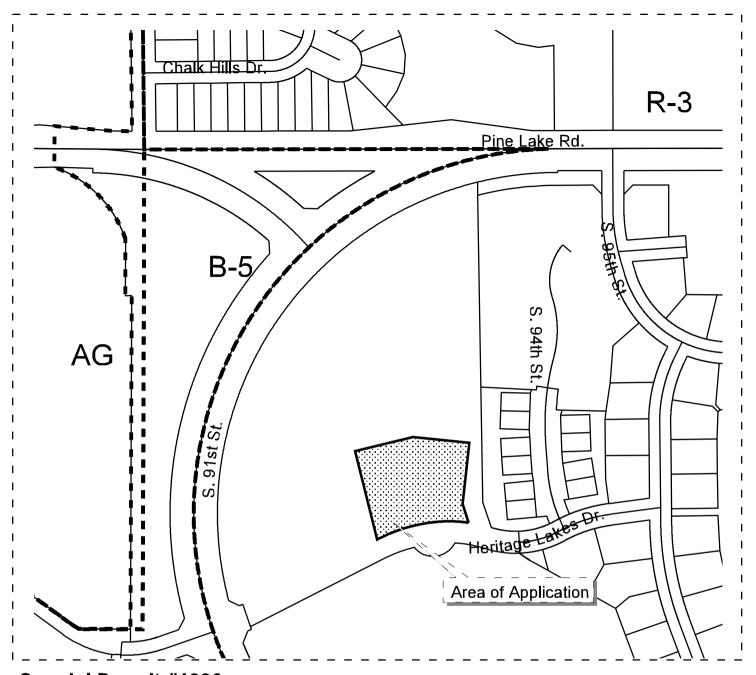
- 4. The following conditions are applicable to all requests:
  - 4.1 Before occupying the facility all development and construction shall have been completed in compliance with the approved plans.
  - 4.2 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 4.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 4.4 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:			
Brian Will Planner			



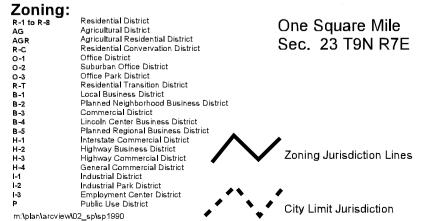
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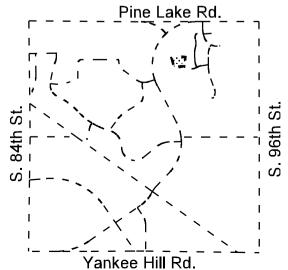




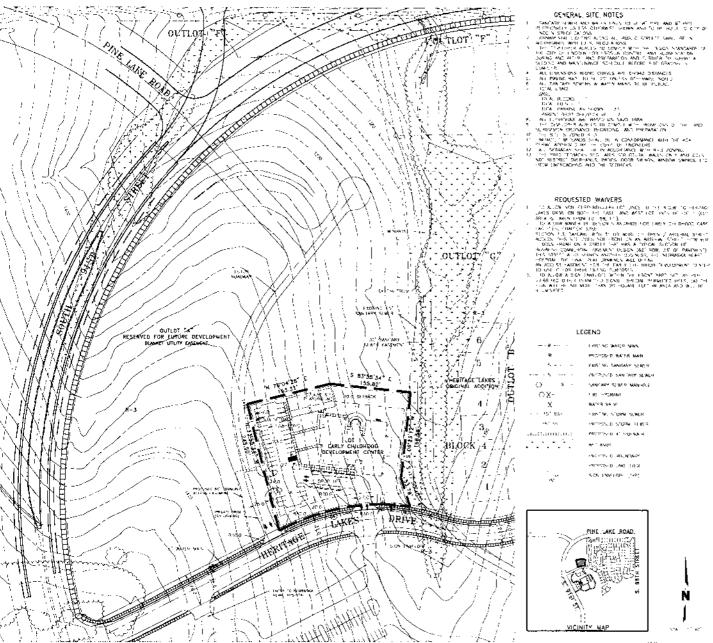
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S.91st & Pine Lake Rd.





Lincoln City - Lancaster County Planning Dept.



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MICHAEL RELIGIOUS SOCIETA

## ENGINEER'S CERTIFICATE

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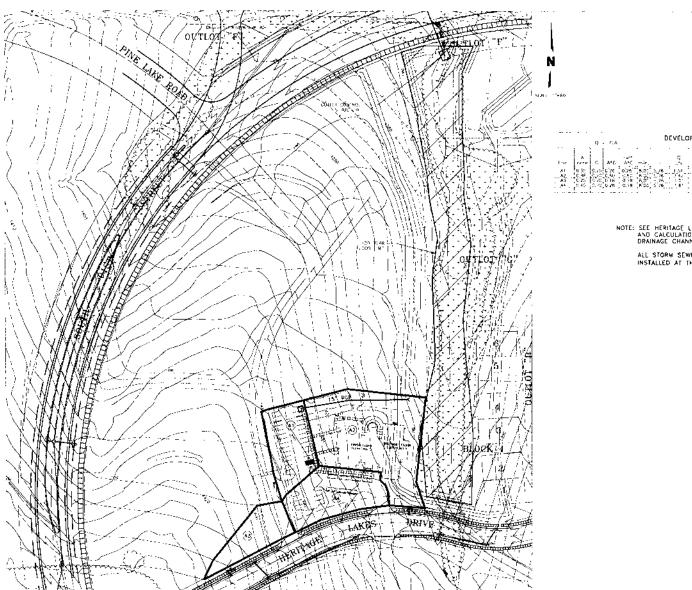


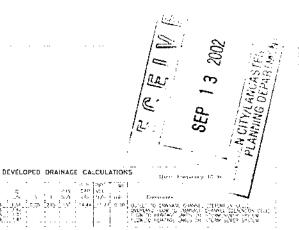
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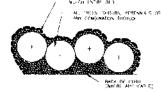
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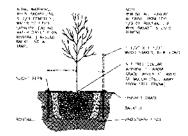
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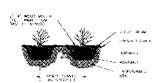


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SHEET 3 OF 3

# LEGAL DESCRIPTION

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF LOT 98 I.T., LOCATED IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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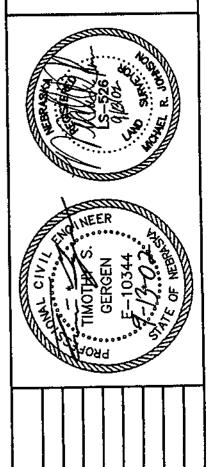
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August 28, 2002 (9:06AM) F:\Projects\20020756\yplat\dwg\daycare.rtf

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September 12, 2002

Mr. Marvin S. Krout, Director Lincoln Lancaster Planning Department County-City Building 555 South 10th Street, Suite 213 Lincoln, NE 68508

Re: Heritage Lakes Early Childhood Development Center, "Special Permit for Use". OA Project No. 2002.0756

Dear Mr. Krout,

Enclosed, please find the following documents for the above mentioned project:

- 1. Site Plan, Sheet 1; 21 copies
- 2. Grading & Drainage Plan, Sheet 2; 6 copies
- 3. Landscape Plan, Sheet 3; 6 copies
- 4. Day Care Plan from Davis Design (Conversion Plan, Building Code Analysis & Occupant Load Analysis); 21 copies.
- 5. Letter from Davis Design regarding background for the facility; 6 copies
- 6. City of Lincoln Zoning Application; "Special Permit"
- 7. Filing fee for "Special Permit"; \$585.00.
- 8. Certificate of Ownership
- 9. 8 1/2" x 11" Reduced Drawings of the Site Plan

On behalf of the Developer, Gary Kort, Heritage Builders, 5950 Van Dervoort Drive, Lincoln, NE 68516, we are requesting a "Special Permit for Use" to allow an "Early Childhood Care Facility" on property located in the Northeast Quarter of Section 23, Township 9 North, Range 7 east of the 6th P.m., Lancaster County, Nebraska. Enrollment will exceed sixteen children (27.15.040, (y)). As required by the Design Standards a "Conversion Plan" for future permitted residential usage has been prepared by Davis Design and is included with this submittal. Under separate cover, but with this submittal and on behalf of the Developer, we are requesting an Administrative Final Plat for this property. It is intended that the processes will run concurrent with each other.

# Requested waivers:

1. To allow non-perpendicular lot lines to the R.O.W. to Heritage Lakes Drive on both the east and west lot lines of Lot 1 (Lot area is taken from Lot 98, I.T.).

SEP 1 3 2002

2. To allow waiver of Design Standards for Early Childhood Care Facilities, Chapter 3.90:

Section 1.3, Daycare with 31 or More Children / Arterial Street Access:

This site does not front on an arterial street, however, it does front on a street that has a typical section of Business Commercial pavement design (66' ROW, 33' of pavement). This street also serves another business, The Nebraska Heart Hospital. The site plan illustrates traffic entering the site on a drive located on the east side of the site. The traffic will exit west out a private drive on the abutting outlot and back onto Heritage Lakes Drive. The Final Plat drawings will define an access easement for the Early Childhood Development Center to use it for their exiting purposes.

3. To allow a sign envelope within the front yard set. As per 27.69.160 Other Permitted Signs; Special Permitted Uses, (a) the sign will be no more than 20 square feet in area and will be illuminated.

Please contact us if you have any questions or require any additional material.

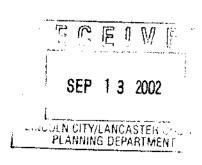
Sincerely,

Stephen Clymer, AIA

cc: Matt Metcalf, AIA, Davis Design

Gary Kort Kelvin Korver

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Architecture
Engineering
Interior Design

PRINCIPALS:

Douglas V. Elting, Ala Lynn E. Jones, Ala Wynn E. Mehthaff, Ala Marthew C. Mescalf, Ala Wade W. Stange, Ala Michael A. Wachal, PE

SENIOR ASSOCIATES:

J. Edward Bukacek, AIA Grant G. Creager, AIA Philip A. Daubman, AIA Stephen J. Hupf, AIA Bryce G. Johnson, MS PF Michael D. Marsh, AIA Gregory T. Smith, AIA

Lincoln:

211 North 14th Street Lincoln, Nebraska 68508 Phone: (402) 476-9700 FAX: (402) 476-9722

Onaho:

4245 South 143nd Smeet Suite 5 Omaha, Nebraska 68137 Phone: (402) 341-6600 FAX: (402) 341-6611

North Plane:

112 North Dewry Street North Platte, Nebraska 69101 Phone: (306) 532-0411 FAX: (308) 532-1202

Commedian recycled pages

August 28, 2002

City Planning Department County - City Building 555 South 10<sup>th</sup> Street Lincoln, Nebraska 68508

RE: Heritage Lakes Daycare Facility

To City Planning Department:

In addition to the required drawings (submitted by Olsson Associates) for the above referenced project, this letter provides additional information for the special permit and waiver request.

- 1. At peak demand, the new facility can handle 134 children (first floor) and there would be 17 FTE staff at the peak demand shift. This equates to 30 parking stalls (one stall per 10 children and 1 stall per staff). Our current plan shows a 33 stall parking lot to the west. In the future, it is anticipated that the facility will accommodate up to an additional 80 children in the "daylit" lower level. This will require an additional 10 stalls (one stall per 10 children (8) and 1 stall per staff (2 additional staff). With the drop off area up front, our site is capable of handling up to 40 cars.
- 2. The new facility will accommodate children from the age of 6 weeks up to 12 years old. The building includes 3 infant rooms, 3 toddler rooms, 1 pre-school space, 1 kindergarten space, kitchen, mini "gym", theatre and building support spaces. The facility also includes an outdoor play area of 3600 s.f. which is fenced and directly accessed from the building.
- 3. The conversion plan converts the building into a 7 unit apartment building as shown on the drawing. This plan is easily accommodated by the following:
  - a. Construction of 14 detached garage stalls (2 per unit).
  - b. Removal of existing front canopy and drive.
  - c. Removal of exterior playground.
  - d. Installation of new concrete side walks.
  - e. Required interior rehab for apartment conversion.
- 4. The design of the new facility is residential in scale, form and material use and will fit comfortably and naturally into the surrounding neighborhood area.

Please contact the undersigned if you have any questions.

Very Truly Yours,

DAVIS DESIGN, INC

Matt/Mercalf, AIA

MM/hs

SEP 1 3 2002

PLANNING DEPART

# PUBLIC WORKS AND UTILITIES DEPARTMENT WATERSHED MANAGEMENT

# **MEMORANDUM**

To: Brian Will

Cc: Ben Higgins, Dennis Bartels

From: Devin Biesecker Date: September 30, 2002

Subject: Heritage Lakes Early Childhood Development Center

Below are Watershed Management's comments on the Heritage Lakes Daycare special permit. Comments are based on a four-sheet plan set from Olsson Associates stamped Sept. 13, 2002 by the Planning Department.

- 1. Need to show that the erosion control protection at the outlet of culverts and pipes is of sufficient size and quantity to withstand the velocities in the system.
- 2. Need to have some kind of erosion control protection in place to prevent channel bank erosion that could occur due to overland flow from area A2
- 3. Does the existing storm sewer system along Heritage Lakes Drive have sufficient capacity to accept additional flow from areas A3 and A4?

# Memorandum

DCT 3 2002

LINCOLY, CHY/LANCASTER COUNTY
EL-NAME DEPARTMENT

To: Brian Will, Planning Department

From: Charles W. Baker, Public Works and Utilities

Subject: Waiver of Design Standards #02021 to Administrative Final Plat #02062

Heritage Lakes Early Childhood Development Center

Date: October 2, 2002

cc: Randy Hoskins

Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the request for (item 1) a waiver of non-right angle property lines for Lot 1 north of Heritage Lakes Drive east of South 91st Street. Public Works has no objection.

(Item 2) No objection to frontage on a non-arterial roadway. Heritage Lakes Road will be constructed as a 33' wide roadway in this commercial area.

(Item 3) Public Works will review the sign location for sight distances with the sign permit. The proposed location is not approved with this review.